

**FILED** GR  
 UNITED STATES DISTRICT COURT  
 SANTA FE, NEW MEXICO

Amity Johnson  
 Name  
 950 W. Cordova Rd. #117  
 Santa Fe, NM 87505  
 Address

MAR 22 2023

**MITCHELL R. ELFERS**  
 CLERK

UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEW MEXICO

Amity S. Johnson, Plaintiff  
 (Full Name)

CASE NO. CV 23-242

(To be supplied by the Clerk)

v.

Tesla, Inc., Defendant(s)

CIVIL RIGHTS COMPLAINT  
 PURSUANT TO 42 U.S.C. §1983

## A. JURISDICTION

- 1) Amity S. Johnson, is a citizen of New Mexico  
 (Plaintiff)  
 who presently resides at 950 W. Cordova Rd. #117,  
 (Mailing address or place of confinement)  
 Santa Fe, NM 87505.
- 2) Defendant Tesla, Inc. (formerly Tesla Motors, Inc.) is a corporation  
 (Name of first defendant)  
 Austin, TX (formerly Fremont, CA), and is employed as  
 (City, State)  
 N/A. At the time the claim(s)  
 (Position and title, if any)  
 alleged in this complaint arose, was this defendant acting under color of state law?  
 Yes  No  If your answer is "Yes", briefly explain:

[Redacted]

3) Defendant N/A is a citizen of  
(Name of second defendant)  
N/A, and is employed as  
(City, State)  
N/A. At the time the claim(s)  
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes  No  If your answer is "Yes", briefly explain:

[  
?  
]

(Use the back of this page to furnish the above information for additional defendants.)

4) Jurisdiction is invoked pursuant to ~~28 U.S.C. §1333(3), 42 U.S.C. §1983~~. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

Jurisdiction is invoked pursuant to ~~28 U.S.C. §1333~~  
involves federal law.

## B. NATURE OF THE CASE

1) Briefly state the background of your case.

On or about July 2, 2022, I purchased a  
Tesla Model 3 rear-wheel drive midnight  
silver vehicle with autonomous/full self-driving (FSD)  
capacity from Tesla, Inc.

I never received the vehicle.

### C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I:

Violation of the Uniform Commercial Code (UCC).

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

On or about July 2, 2022, I purchased a Tesla Model 3 rear-wheel drive midnight silver vehicle with autonomous / full self-driving (FSD) capability from Tesla, Inc.

I never received the vehicle.

B)(1) Count II:

Violation of the fundamental United States operating principle of citizen as consumer who can consume when funding secured.

(2) Supporting Facts:

On or around July 2, 2022, I purchased an autonomous vehicle from Tesla, Inc.: the Model 3 rear-wheel drive in midnight silver.

I never received the vehicle.

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes  No  If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: N/A

Defendants: N/A

b) Name of court and docket number:

N/A

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

d) Issues raised: N/A

- e) Approximate date of filing lawsuit: N/A
- f) Approximate date of disposition: N/A

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes  No  If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

Notified Tesla, Inc. numerous times via app.

Notified Tesla, Inc. numerous times via phone.

Even notified Tesla, Inc. via Twitter.

#### E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

To cover damages:

1. A Tesla 2023 Model 3 rear-wheel drive midnight silver electric automobile that drives itself (autonomous / full self-driving FSD)
2. Complete automobile insurance for the life of the vehicle, paid for by Tesla, Inc.
3. Complete automobile charging for the life of the vehicle, paid for by Tesla, Inc.

Punitive damages:

A 20-day pre-paid lease on a

Signature of Attorney (if any)

qmity i dmsn  
Signature of Petitioner

2023 life-size Elon R. Musk replicarobot  
(also known as "Roboyum!", "OHMY", "The Stimulator"  
or "..... mmmmmm .....") situated in backseats  
of vehicle at time of delivery to Petitioner

Attorney's full address and telephone  
number.

Specs:

Condition: as is  
attire: black clad casual  
verbal mode tuned to: actuators  
charge status: full  
action mode set to: ready

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Santa Fe, NM on Feb. 21 2023  
(Location) (Date)

Amily Johnson

J(Signature)



## Motor Vehicle Order Agreement

### Vehicle Configuration

**Customer**

a johnson

(503) 812-4241

amityshanajohnson@gmail.com

**Order Number**

RN117495597

**Order Fee**

\$250

**Order placed with electronically accepted terms**

07/02/2022

Description	Price (USD)
Model 3 Rear-Wheel Drive	\$46,990
Midnight Silver Metallic Paint	Included
19" Sport Wheels	\$1,500
All Black Partial Premium Interior	Included
Autopilot	Included
<b>Subtotal</b>	<b>\$48,490</b>
Destination and Documentation Fee	\$1,200
Order Fee	\$250
<b>Total</b>	<b>\$49,940</b>

Price indicated does not include taxes and governmental fees, which will be calculated as your delivery date nears. You will be responsible for these additional taxes and fees.

UNITED STATES DISTRICT COURT  
for the

)  
)  
)  
Amity S. Johnson )  
Plaintiff(s) )  
v. ) Civil Action No.  
)  
)  
)  
Tesla, Inc. )  
Defendant(s) )

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Tesla, Inc.  
1 Tesla Rd.  
Austin, TX 78725

*formerly*  
4550 Fremont Blvd.  
Fremont, CA 94538

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**(This section sho**

This summons for (name of person served) \_\_\_\_\_  
 was received by me on (date) \_\_\_\_\_

I personally served the

I left the summons at the mail box of \_\_\_\_\_  
 on (date) \_\_\_\_\_, a

I served the summons on (name of person designated by law to accept service) \_\_\_\_\_

I returned the summons unexecuted.

Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for \_\_\_\_\_

I declare under penalty of perjury that \_\_\_\_\_

Date: \_\_\_\_\_

Additional information regarding attempted



DOWNTOWN ALBUQUERQUE

201 5TH ST SW

ALBUQUERQUE, NM 87102-9721

(800)275-8777

02/21/2023

12:06 PM

• P. 4 (l)

Product	Qty	Unit Price
First-Class Mail® Large Envelope	1	\$1.74
Austin, TX 78725 Weight: 0 lb 3.00 oz		
Estimated Delivery Date Fri 02/24/2023		
Certified Mail® Tracking #: 7020245000031189802		\$4.15
Return Receipt Tracking #: 9590 9402 6874 1104 5529 04		\$0.35
Total		\$9.24
Grand Total:		\$9.24
Cash		\$20.00
Change		-\$10.76

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

Preview your Mail  
Track your Packages  
Sign up for FREE @  
<https://informeddelivery.usps.com>

of \$ 0.00 .

All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos> or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 340131-0103  
Receipt #: 840-58700337-1-697613-2  
Clerk: 8

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS  
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Amity S. Johnson, Plaintiff(s),

-vs-

Civil No. CV 23-242

Tesla, Inc., Defendant(s).

**CONSENT TO PROCEED / REFUSAL TO CONSENT TO PROCEED  
BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the above-entitled action has been assigned to United States Magistrate Judge:

to conduct dispositive proceedings in this case, including motions and trial, entry of final judgment, and all post-judgment proceedings. Exercise of this jurisdiction by a U.S. Magistrate Judge is permitted only if all parties consent. Indicate below if you consent to the assignment or if you refuse to consent:

Consent

Refuse

\_\_\_\_\_  
Party(s)

\_\_\_\_\_  
Party(s)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

If you are a *pro se* litigant, return this form to the Clerk's Office no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference. If you are an attorney/e-filer, please visit our Web site at [www.nmd.uscourts.gov](http://www.nmd.uscourts.gov) for e-filing instructions. If consent by each party is not timely received, the matter will be reassigned to a district judge who will serve as the presiding judge.